

BILL NO. Z-87-12-19

ZONING MAP ORDINANCE NO. Z-Losh

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-3-B (General Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Lot #1 in Neuenschwander Addition,

and the symbols of the City of Fort Wayne Zoning Map No.  
P-31, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

Janet G. Bradbury  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

B. O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 12-22-87

S.E.K.  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> |             | <u>9</u>    |                  |               |
| <u>BRADBURY</u>    |             | <u>✓</u>    |                  |               |
| <u>BURNS</u>       |             | <u>✓</u>    |                  |               |
| <u>GiaQUINTA</u>   |             | <u>✓</u>    |                  |               |
| <u>HENRY</u>       |             | <u>✓</u>    |                  |               |
| <u>LONG</u>        |             | <u>✓</u>    |                  |               |
| <u>REDD</u>        |             | <u>✓</u>    |                  |               |
| <u>SCHMIDT</u>     |             | <u>✓</u>    |                  |               |
| <u>STIER</u>       |             | <u>✓</u>    |                  |               |
| <u>TALARICO</u>    |             | <u>✓</u>    |                  |               |

DATED: 1-12-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR





RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED 11-2-87

INTENDED USE Appliance Sales

①/We Eloise B. Downey  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from @/an B1B District to @/an B3B District the property described as follows:

Neuenschwander Addition Lot 1

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

7439 S. Anthony Blvd. 46816

7531 Old Decatur Rd 46816

(General Description for Planning Staff Use Only)

①/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Eloise B. Downey

7439 S. Anthony

Eloise B. Downey

46816

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

N/A

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 12, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-12-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1987.

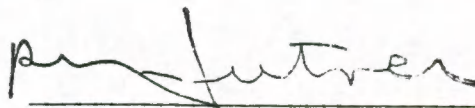
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this  
4th day of January 1988.

  
Robert Hutner  
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

Zoning Ordinance Amendment

TITLE OF ORDINANCE \_\_\_\_\_

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE \_\_\_\_\_ 7439 South Anthony Blvd and 7531 Old Decatur Road

3-87-12-19

EFFECT OF PASSAGE \_\_\_\_\_ Property is presently zoned B-1-B - Limited Business District.  
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



**FACT SHEET**

Z-87-12-19

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

From B-1-B to B-3-B

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**7439 So Anthony Bl  
7531 Old Decatur Road**Reason for Project**

Appliance Sales

**Discussion (Including relationship to other Council actions)**21 December 1987 - Public Hearing

Richard Downey, speaking on behalf of his mother, Eloise Downey stated that they presently have a rental property on the lot in question. He stated that it was occupied by RCA for many years. He stated that they recently vacated and they rented to an appliance dealer. He stated that at the time they rented the property they assumed the zoning would be adequate for his operation. He stated that the appliance dealer was informed that there would be a "cut" on certain parts of his business. He stated the renter has been issued a license to operate. He stated though that they want to avoid any future question about the ability to operate this business on this property. He stated it would also make it easier to rent or sell if it were rezoned.

Herman Friedrich questioned if Mr. Downey had discussed the request with the Neighborhood Association.

Mr. Downey stated he had not. He stated that he was going to talk to the property owners in the area, but most were business properties

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Eloise B Downey  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☐ For☒ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



**DETAILS**

being leased and the owners were not on site.

John Shoaff asked for the nature of the business that is presently on the property. Mr. Shoaff stated that B-1-B does allow for the sale of new retail.

Mr. Downey stated the renter sells both new & used appliances and does some repair work. He stated he gathered the thrust of his business at his previous location was used appliances and that was the problem with the B-1-B zoning, it does not allow used sales as the main purpose of the business, it must be new retail.

Yvonne Stam questioned what the previous use was.

Mr. Downey stated it was RCA factory service, which was the sole outlet for RCA service of its product. He stated they did not sell parts or appliances they strictly repaired and serviced RCA appliances.

Yvonne Stam questioned how long they had been at that location.

Mr. Downey stated approximately 20 years.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 December 1987 - Business Meeting

Motion was made and seconded to return

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight members present seven (7) voted in favor of the motion one (1) did not vote.

Motion carried.

**Project Start**

**Date** November 2, 1987

**Projected Completion or Occupancy**

**Date** January 4, 1988

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** January 4, 1988

**Reviewed by**

**Date**

*1 January 1988*

**Reference or Case Number**



BILL NO. Z-87-12-19

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ <sup>XXXXXXXXXX</sup> amending the City of  
Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~ Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON  
Mark E. GiaQuinta MARK E. GIAQUINTA  
VICE CHAIRMAN  
Charles B. Redd CHARLES B. REDD  
David C. Long DAVID C. LONG  
Paul M. Burns PAUL M. BURNS

CONCURRED IN 1-12-88

Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

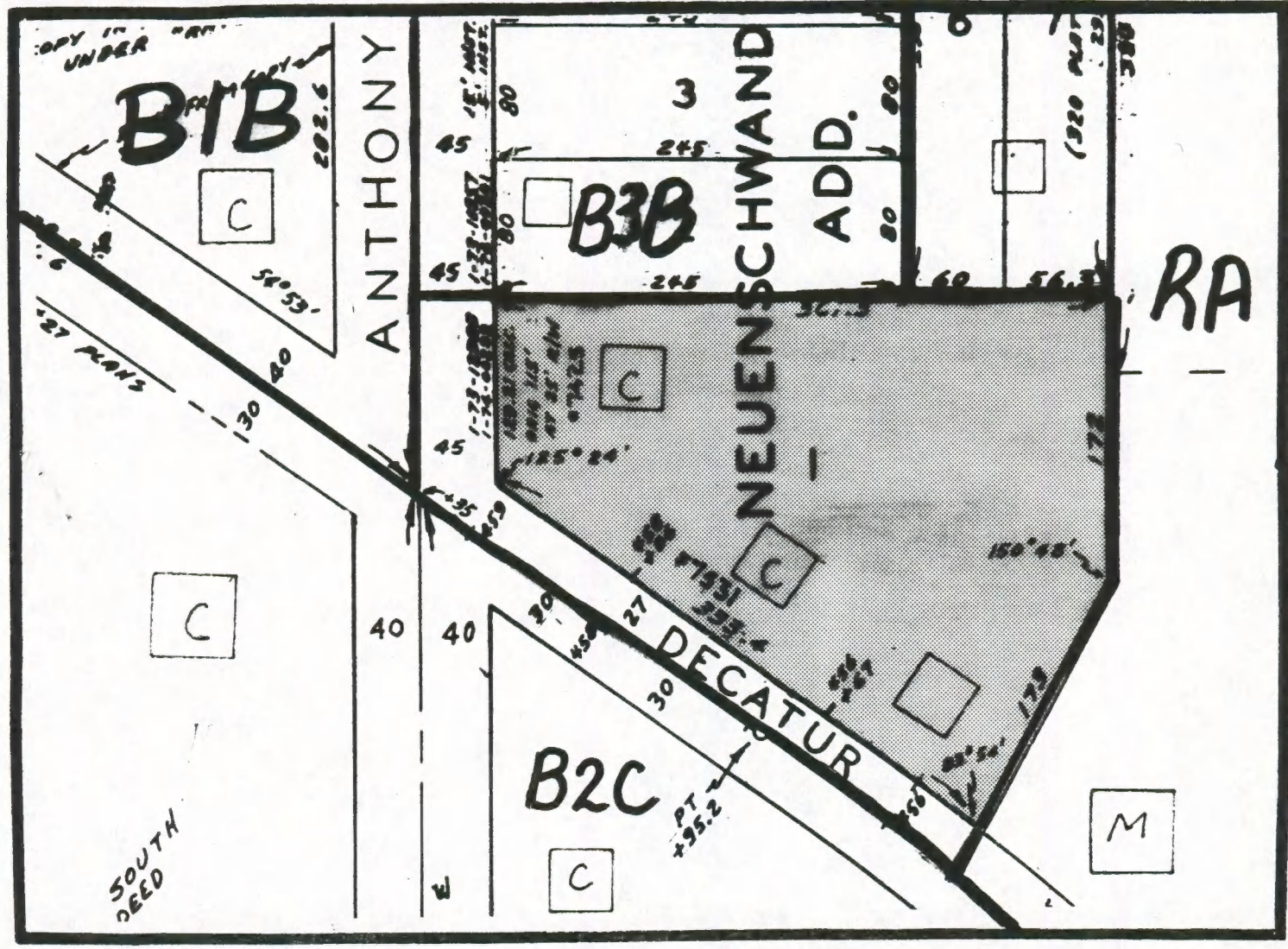


**REZONING PETITION #31**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A BIB DISTRICT TO A B3B DISTRICT

MAP NO. P-31

COUNCILMANIC DISTRICT NO. 6



**ZONING:**

**LAND USE:**

BIB LIMITED BUSINESS 'B'  
B2C METROPOLITAN SHOPPING CENTER  
RA RESIDENCE 'A'

- ☐ SINGLE FAMILY
- ☐ MULTI-FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 12.1.87

